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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/420,321   | 10/18/1999  | LARRY A. WESTERMAN   | KLR:7146.044        | 2633             |
| 47915  | 7590        | 05/04/2005           | EXAMINER            |                  |
| CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP<br>1600 ODS TOWER<br>601 SW SECOND AVENUE<br>PORTLAND, OR 97204 |             |                      | LUU, SY D           |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2174                |                  |

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/420,321

Applicant(s)

WESTERMAN ET AL.

Examiner

Sy D Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003 and 22 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 and 39-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is responsive to the Amendments filed September 11, 2003 and October 22, 2002.
2. Claims 1-37 and 39-41 are pending in this application. Claims 1, 7, 12, 17, 22, 28, 34, are independent claims. Claims 1, 7, 12, 17, 22, 28, and 34 were amended. This action is made Non-Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 103*

4. Claims 1-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al. ("Sciammarella", US # 6,320,599) in view of Kreegar (US # 5,396,590) and Microsoft Publisher 98 Screendumps ("MS Publisher").

As per claims 1 and 5, Sciammarella teaches a computer implemented GUI on a personal computer (fig. 1a), comprising a manipulator (col. 3, lines 10-11; *cursor 116*) for enabling alteration of a scale of an object (col. 2, lines 15-23), by altering a dimension of a graphic representation of an active region (*position indicating marks 124*), the dimension being approximately equal to a limit (fig. 3; col. 3, lines 25-44; zoom-in and zoom-out marks 122, 126).

Sciammarella does not specifically teach the manipulator to interact directly with the graphic representation to enable alteration. Kreegar teaches direct manipulation of graphic

Art Unit: 2174

objects using shape control tools (fig. 3, col. 5, line 56 – col. 6, line 18). It would have been obvious to an artisan at the time of the invention to include Kreegar's direct manipulation of objects in order to allow a user to select and manipulate a graphic object in different ways without having to activate different modes for different manipulations.

The method of Sciammarella-Kreegar does not specifically teach the size of said graphic representation to be free from changing while said scale is altering. MS Publisher teaches a method for changing the dimension of a graphic representation of an active region wherein said graphic representation is free from changing while alteration of a scale of an object (figs. 1-4; *image 20 is enlarged while an object such as door 22 is also enlarged*). It would have been obvious to an artisan at the time of the invention to combine MS Publisher's method of changing the dimension of the active region while altering the scale of an object contained therein so that the ratio aspect of the whole image and objects contained therein are properly maintained.

As per claim 2, Sciammarella teaches that the scale of the object is minified when the dimension is approximately equal to a maximum (figs. 5a-5b; col. 3, line 65 – col. 4, line 11).

As per claim 3, Sciammarella teaches that the scale of the object is magnified when the dimension is approximately equal to a minimum (figs 4a-4b; col. 3, line 45-64).

As per claim 4, Sciammarella teaches the dimension of the graphic representation is a diagonal of a rectangle (fig. 3; *marks 124*).

As per claim 6, Sciammarella teaches a handheld electronic device (col. 2, lines 13-14).

Claims 7-9 are similar in scope to claims 1-3 respectively, and are therefore rejected under similar rationale.

As per claim 10, MS Publisher teaches enabling a user to move said active region relative to said information area by a second interaction of said manipulator and said graphic representation (figs. 5-6).

As per claim 11, Sciammarella discloses interaction via a mouse (col. 1, lines 19-21).

Claims 12 and 15-16 are similar in scope to claims 1-3, and are therefore rejected under similar rationale.

Claims 13-14 are similar in scope to claims 10-11 respectively, and are therefore rejected under similar rationale.

Claim 17 is similar in scope to claims 10, and is therefore rejected under similar rationale.

Claims 18-19 are similar in scope to claims 2-3, and are therefore rejected under similar rationale.

Claims 20-21 are similar in scope to claim 11, and are therefore rejected under similar rationale.

Claims 22-23 are similar in scope to claims 17 and 4 respectively, and are therefore rejected under similar rationale.

Claims 24-25 are similar in scope to claims 20-21, and are therefore rejected under similar rationale.

Claims 26-27 are similar in scope to claims 2-3, and are therefore rejected under similar rationale.

Claims 28-33 are similar in scope to claims 7-10 and 5-6 respectively, and are therefore rejected under similar rationale.

Art Unit: 2174

Claims 34-37 and 39-41 are similar in scope to claims 28, 10, 2, 3, 5, 6 and 11, and are therefore rejected under similar rationale.

***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU**  
**PRIMARY EXAMINER**